THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.24734 of 1999

DATED: 26-04-2007

Between:-

Smt B. Sailaja

.. Petitioner

and

A.P. Housing Board, Hyderabad represented by its Managing Director and Vice Chairman and another.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.24734 of 1999

ORDER:

This writ petition is filed seeking a mandamus declaring the proceedings No.MIG.83/CDP/Ivph/E.E.(HC) NLR/99/2913, dated 22.08.1999, as illegal, arbitrary and violative of principles of natural justice.

The brief facts of the case are that the petitioner made an application, dated 10.10.1977, to the 1st respondent-A.P. Housing Board for allotment of a house under Low Income Group Housing Scheme. Along with the application, she submitted all the necessary documents including a D.D. for Rs.200/-, as required by the respondents. At the time of making application, she was staying with her husband, but, later on, due to some differences, she deserted her husband and started living with her parents. While so, since no allotment was made in her favour, she submitted another application, dated 05.11.1978, for allotment of house under Middle Income Group Housing Scheme, along with all the required documents including a D.D. for Rs.800/-. The respondents issued an order of allotment, dated 01.09.1981, allotting MIG House No.83 situated at Kadapa to the petitioner. After fulfilling all the formalities, the petitioner took possession of the said house on 17.12.1981, and since then she has been in possession of the same. While that being so, the Deputy Executive Engineer (Housing), Kadapa, addressed a letter, dated 12.06.1995, to the respondents stating that the husband of the petitioner was also allotted a MIG House bearing H.No.20/A/1 at Kadapa and, hence, the allotment made in favour of the petitioner should be cancelled. Subsequently, the respondents issued a notice, dated 08.07.1995, to the petitioner directing her to pay the balance

amount of Rs.93,440/- and accordingly she paid the said amount. But, to the utter surprise of the petitioner, the 2nd respondent issued the impugned proceedings, dated 22.08.1999, canceling the allotment made in her favour. Aggrieved by the same, the present writ petition has been filed.

Heard both sides.

Evidently, the impugned order, dated 22.08.1999, is without notice to the petitioner as to why the allotment made in her favour shall not be cancelled. May be it is true that her husband was allotted a MIG house and, suppressing the said fact, the petitioner might have applied for allotment of another MIG house, which was allotted in the year 1981. But, it does not mean that cancellation of the allotment can be made unilaterally by the respondents. It is the contention of the learned senior counsel, Mr. P. Gangaiah Naidu, that the petitioner and her husband are not living together and they are separated. This Court is not inclined to go into the said aspect as it is for the authorities before whom the petitioner has to produce sufficient evidence. But, however, as stated supra, as the cancellation is without notice to the petitioner, the impugned proceedings, dated 22.08.1999, are liable to be set aside and accordingly set aside.

The writ petition is accordingly allowed. No costs. However, this order does not come in the way of the authorities in initiating proceedings in accordance with law, if they so desire.

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GOPALA KRISHNA TAMADA, J

26th April, 2007
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